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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,815	01/05/2004	Takekazu Kakinuma	247298US6	1628
22850 7	590 03/14/2006		EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TO, TOAN C	
			ART UNIT	PAPER NUMBER
	•		3616	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/750,815	KAKINUMA ET AL.
Office Action Summary	Examiner	Art Unit
	Toan C. To	3616
The MAILING DATE of this communication appearage Period for Reply	ars on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DAT  - Extensions of time may be available under the provisions of 37 CFR 1.136 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will  - Failure to reply within the set or extended period for reply will, by statute, concerned parent term adjustment. See 37 CFR 1.704(b).	TE OF THIS COMMUNICATION  (a). In no event, however, may a reply be tin  apply and will expire SIX (6) MONTHS from ause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 1-05-22  2a) This action is FINAL. 2b) This a  3) Since this application is in condition for allowance closed in accordance with the practice under Ex	ction is non-final. e except for formal matters, pro	
Disposition of Claims		
4) ⊠ Claim(s) 1-10 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☒ Claim(s) 1-10 are subject to restriction and/or election and/o	ection requirement.	
10) The drawing(s) filed on is/are: a) accept Applicant may not request that any objection to the drawing sheet(s) including the correction at the oath or declaration is objected to by the Example 11) The oath or declaration is objected to by the Example 11.	awing(s) be held in abeyance. See	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign p     a) All b) Some * c) None of:     1. Certified copies of the priority documents if     2. Certified copies of the priority documents if     3. Copies of the certified copies of the priority application from the International Bureau ( * See the attached detailed Office action for a list of	have been received. have been received in Applicati y documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

Species 1: represented by figure 3

Species 2: represented by figure 9

Species 3: represented by figure 10

The species are independent or distinct because each of the species differs from one another at least in structural relationship.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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2. A telephone call was made to Mr. Maier, Gregory on February 17, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo VI

March 2, 2006

PAUL N. DICKSON

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